

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2133 of 2015
Date of decision : 26.3.2015

CCS HAU, Hisar through its Vice Chancellor/Dean Post Graduate
Studeis, Hisar Petitioner

Versus

Rahul Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vinod S. Bhardwaj, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This revision is filed against the order dated 21.2.2015 (Annexure-P-4), passed by the learned Additional District Judge, Hisar, upholding the order dated 11.2.2015, passed by the learned Civil Judge (Junior Division), Hisar, vide which the application of the plaintiff (respondent herein) under Order 39 Rules 1 and 2 read with Section 151 CPC was allowed.

The brief controversy is that respondent had filed a suit for declaration challenging the order passed by the present revisionist, rejecting his application dated 23.1.2015 for registration in the Second Semester of M.Sc. (Food, Science and Technology),

Final Year, for the session 2014-15. It is stated that the last date of commencement of classes was 7.1.2015 and with late fees, the admission could be only made within 15 days i.e. upto 21.1.2015. Alongwith the suit, an application under Section 39 Rules 1 and 2 read with Section 151 CPC was filed. The learned Civil Judge (Junior Division), Hisar, allowed the same and directed the defendant (present revisionist) to provisionally allow the plaintiff (respondent herein) to deposit the fees with the requisite late fees to get registered in the present semester. However, it was clarified that the plaintiff (respondent herein) will not be entitled for any benefit of the attendance for late registration. The said order was upheld in appeal, vide order dated 21.2.2015, passed by the learned Additional District Judge, Hisar.

After going through the impugned orders, I find that the orders passed by the Courts below are only interim measures. No findings have been recorded that the plaintiff (respondent herein) has got the vested right to get the admission. The balance of convenience was in favour of the plaintiff (respondent herein) as if he is not allowed to attend the classes and tomorrow his suit will become infructuous and consequently, his career will be spoiled.

It being so, I do not find any illegality or infirmity in the impugned orders dated 11.2.2015 and 21.2.2015 (Annexures-P-3 and P-4), passed by the learned Civil Judge (Junior Division), Hisar and the learned Additional District Judge, Hisar, respectively.

Accordingly, the present revision is dismissed. At the same time, the action of the University in wasting the public money in filing the litigation before this Court against such interim orders is not appreciated.

(KULDIP SINGH)
JUDGE

26.3.2015
sjks